IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2389 OF 2005
WITH
CRIMINAL WRIT PETITION NO.2390 OF 2005
WITH
CRIMINAL WRIT PETITION NO.2391 OF 2005

Eknath Dagduji Waman & Anr. ..Petitioners.

V/s.

H.N.Shingote & Anr. ..Respondents.

Mr.P.R.Arjunwadkar for petitioners.

Mr.H.N.Shingote, respondent No.1 in person.

Mr.M.H.Mhatre, APP for State.

CORAM: A.M.KHANWILKAR,J

DATE : DECEMBER 23, 2005.

P.C. :

1. Not on board. Upon production taken on board.

2. Respondent No.1 Mr.Shingote appears in person and waives notice. Ms.Mhatre, APP waives notice for respondent No.2.

3. Rule, as matter has been amicably settled between the parties.

4. As short question is involved, petition is

taken up for final disposal forthwith by consent.

5. The respondent No.1 instituted criminal case against the petitioners in the Court of Metropolitan Magistrate, 34th Court, Vikroli, Mumbai for offence under section 138 of the N.I.Act. It is reported that the parties have now amicably resolved all the disputes interse. In the circumstances, the respondent No.1 is not interested in pursuing the matter and willing to compound the offence. As respondent No.1 is not interested in precipitating the criminal action and is unwilling to depose against the petitioners. No fruitful purpose will be served by keeping criminal action against the petitioners pending, in view of the amicable settlement arrived at between the parties. Accordingly, this petition ought to succeed. The same is made absolute in terms of prayer clause (b).

6. Consent terms arrived at between the parties tendered, taken on record.

7. This order is passed subject to realisation of the bank draft, made over to the respondent No.2.